

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MANOLOTH VONGSOUVANH,**

**Plaintiff,**

**v.**

**6:13-CV-1581  
(TJM/ATB)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation dated February 10, 2015, Magistrate Judge Baxter recommended that the decision of the Commissioner be reversed and the matter be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for a proper evaluation of the medical and other evidence, an appropriate determination of plaintiff's residual functional capacity, and other further proceedings consistent with further proceedings consistent with his Report-Recommendation. No objections to the Report - Recommendation have been lodged and the time for filing objections has expired.

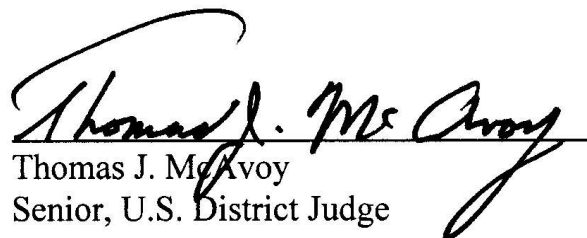
**CONCLUSION**

After examining the record, this Court has determined that the Report-

Recommendation is not subject to attack for plain error or manifest injustice. Therefore, the Court **ADOPTS** the Report-Recommendation [dkt. # 15] for the reasons stated therein, and the decision of the Commissioner is **REVERSED** and the matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for a proper evaluation of the medical and other evidence, an appropriate determination of plaintiff's residual functional capacity, and other further proceedings consistent with Magistrate Judge Baxter's Report-Recommendation.

**IT IS SO ORDERED.**

**Dated:** March 3, 2015

  
Thomas J. McAvoy  
Senior, U.S. District Judge